

## **REMARKS/ARGUMENTS**

### **1. Summary of the Office Action**

Claims 1, 4-26 stand rejected under 35 U.S.C 102 as allegedly being anticipated by U.S. Patent No. 6,047,327 (herein "Tso").

Claim 2 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tso in view of U.S. Patent No. 6,427,169 (herein "Elzur").

Claim 3 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tso in view of U.S. Patent Application Publication No. US2002/0099795 A1 (herein "Betros").

### **2. Response to § 102 Rejections**

Applicant respectfully traverses this rejection for the reasons set out below and asks the Examiner for reconsideration.

To anticipate a claim, the reference must teach every element of the claim. *"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."* Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The claims are patentable over Tso as follows. Tso describes a method and system for automatically distributing electronic information to targeted group of users. As illustrated in Figure 5 of Tso, a server is first configured to receive information from various content providers. The server then filters the relevant information for each client based on the user profile and other conditions. A summary of the selected information is sent to the client. The client can subsequently request the full information from the server after reviewing the summary.

Notably, nowhere in Tso is there provided any teaching or suggestion that “the communication client generates polling requests to the communication servers” (Claim 1; emphasis added). In contrast, Tso teaches that the user initiates request to the server for the full content information only after reviewing the summary (Step 111 of Figure 5). Moreover, Tso specifies that “after an InfoBite containing one or more resource identifiers is transmitted to a user, if the user wishes to retrieve an article or item identified by a resource identifier, a request is made by the client to the InfoCast server to send the fully qualified URL associated with the resource identifier to the client. The request is made by the client transmitting the resource identifier to the InfoCast server. The InfoCast server will either transmit the fully qualified URL associated with the resource identifier, or, bandwidth permitting, transmit the story or item to the client.” (Col.8, lines 48-58; emphasis added).

Tso accordingly fails to teach or suggest each and every element of the present invention. Particularly, Tso does not teach or suggest a method by which the client generates polling requests to the server, as presently claimed. Instead, Tso teaches that the client submits request to the server only when the client decides to obtain the full information after reviewing the summary. This alone is sufficient to render the present claims patentable over Tso.

### **3. Response to § 103 Rejections**

Claim 2 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tso in view of Elzur. Elzur discloses a method for parsing a packet header. However, neither Tso nor Elzur discloses that the client makes polling requests to the server. Consequently claim 2 is not rendered obvious by the combination of Tso and Elzur.

Similarly, claim 3 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tso in view of Betros. Betros discloses a system and method for maintaining direct, two-way asynchronous communication between a client and a web server. However, even the additional teachings of Betros do not render claim 3 obvious. In particular, Betros fails to teach or suggest that the client generates polling request to the server. Betros clearly fails to cure the

deficiencies noted with respect to Tso and therefore, claim 3 is patentable over the combination of Tso and Betros.

4. **Conclusion**

In view of all the foregoing reasons, applicant respectfully submits that all rejections have been addressed and the claims are now in a condition for allowance, and such allowance is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Jaina Chua at (408) 947-8200 ext. 213.

Respectfully submitted,  
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Dated: September 14, 2004

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